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9 IN THE UNITED STATES DISTRICT COURT FOR THE
10 EASTERN DISTRICT OF CALIFORNIA
11

12 UNITED STATES OF AMERICA,)	1:03-CR-05199-OWW
)	
13 Plaintiff,)	FINAL ORDER OF
)	FORFEITURE
14 v.)	
)	
15 ANTONIO MANDUJANO ESPINO,)	
ROSA MANDUJANO,)	
16 aka Rosa Olivia Rocha Gastelum,)	
aka Rosa Rocha, and)	
17 ELISA ESPINO MARTINEZ)	
aka Elisa Barrera, et al.,)	
18 Defendants.)	
19)	

20 WHEREAS, on May 3, 2004 and December 3, 2004, this Court
21 entered Preliminary Orders of Forfeiture pursuant to the provisions
22 of 18 U.S.C. § 982, based upon the plea agreements of defendants
23 Elisa Espino Martinez, Antonio Mandujano Espino and Rosa Mandujano
24 for mail fraud, a violation of 18 U.S.C. § 1341, and/or conspiracy
25 to launder money, a violation of 18 U.S.C. § 1956(h), forfeiting to
26 the United States the following property:

- 27 a. Real property located in Fresno County at
8660 Ninth Street, San Joaquin, California,
28 APN: 033-093-03, and more fully described

in Exhibit A attached hereto;

b. Real property located in Fresno County at 8645 Ninth Street, San Joaquin, California, APN: 033-091-25, and more fully described in Exhibit B attached hereto;

c. Real property located in Madera County at 26898 Greentree Avenue, Madera, California, APN: 036-263-007, and more fully described in Exhibit C attached hereto; and

d. Real property located in Fresno County at 22002 East Manning Avenue, San Joaquin, CA, APN: 033-132-15, and more fully described in Exhibit D attached hereto.

AND WHEREAS, on May 26, June 2 and 9, 2004, the United States published notification of the Court's May 3, 2004 Preliminary Order of Forfeiture in the Fresno Business Journal (Fresno County), a newspaper of general circulation located in the county in which the subject properties listed in paragraphs a and b above are located.

AND WHEREAS, on December 23, 30, 2004 and January 6, 2005, the United States published notification of the Court's December 3, 2004 Preliminary Order of Forfeiture in the Madera Daily Tribune (Madera County) and on December 31, 2004 and January 7, and 14, 2005, in the Fresno Business Journal (Fresno County) newspapers of general circulation located in the counties in which the subject properties listed in paragraphs c and d above are located. Said published notice advised all third parties of their right to petition the court within thirty (30) days of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, the United States and Washington Mutual Bank, F.A. have entered into a stipulation for expedited settlement approved by the Court on November 18, 2004, regarding the real property located at 8660 Ninth Street, San Joaquin, California, APN: 033-093-03 and

1 more fully described in Exhibit A attached hereto.

2 AND WHEREAS, the Court has been advised that no other third
3 party has filed a claim to the subject properties, and the time for
4 any person or entity to file a claim has expired.

5 Accordingly, it is hereby ORDERED and ADJUDGED:

6 1. A Final Order of Forfeiture shall be entered forfeiting to
7 the United States of America all right, title, and interest in the
8 above-listed real properties pursuant to 18 U.S.C. § 982, to be
9 disposed of according to law, including all right, title, and
10 interest of Elisa Espino Martinez, Antonio Mandujano Espino and Rosa
11 Mandujano.

12 2. All right, title, and interest in the above-described
13 properties shall vest solely in the name of the United States of
14 America.

15 3. The United States shall pay, upon entry of this Final Order
16 of Forfeiture and the sale of the real property, Washington Mutual
17 Bank, F.A. from the proceeds of sale, after payment of outstanding
18 taxes and expenses incurred by the U.S. Marshals Service in
19 connection with its custody and sale of the real property located at
20 8660 Ninth Street, San Joaquin, California, APN: 033-093-03, the
21 following:

- 22 a. All unpaid principal due to the Petitioner under
23 the promissory note which was secured by a deed
24 of trust recorded in the official records of
25 Fresno County, recording no. 2003-0046940, on
26 February 28, 2003, that is as of July 1, 2004,
27
28

1 \$69,280.00¹; and

2 b. All unpaid interest at the contractual base rate of
3 6.25 percent per annum (not the default rate) under
4 the above promissory note and deed of trust,
5 foreclosure fees and costs of \$1,127.16, yard
6 maintenance/debris removal expenses of \$470.00, lock
7 and secure expenses of \$40.00, and other expenses
8 such as property inspection fees of \$106.00, for a
9 total amount of \$8,401.48 as of July 1, 2004.

10 c. A Casualty Insurance premium in the amount of \$770.00
11 which went into effect on April 8, 2004.

12 4. The payment to Petitioner Washington Mutual Bank, F.A.
13 shall be in full settlement and satisfaction of all claims by
14 Washington Mutual Bank, F.A. to the real property posted by the
15 United States on or about August 10, 2004, and of all claims arising
16 from and relating to the seizure, detention, and forfeiture of the
17 real property

18 5. The United States shall maintain custody of and control
19 over the subject real properties until they are disposed of
20 according to law.

21 SO ORDERED THIS 21st day of June, 2005.

22
23 /s/ OLIVER W. WANGER

24 _____
25 OLIVER W. WANGER
 United States District Judge

26
27 1 Washington Mutual Bank acquired its interest in the
28 Promissory Note and First Deed of Trust in a secondary mortgage
 market transaction by purchasing the Note from the original holder,
 Courtyard.

CERTIFICATE OF REASONABLE CAUSE

Pursuant to the plea agreements of defendants Elisa Espino Martinez, Antonio Mandujano Espino and Rosa Mandujano, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for posting/seizure of the above-described real properties.

DATED: June 21, 2005

/s/ OLIVER W. WANGER
OLIVER W. WANGER
United States District Judge

Exhibit A

PROPERTY DESCRIPTION

(8660 Ninth Street, San Joaquin, California)

Lots 9 and 10 in Block 11, City of San Joaquin, County of Fresno, State of California, according to the map thereof recorded in Book 7 pages 83, 84 and 85 of Plats, Fresno County Records.

APN: 033-093-03

Exhibit B

PROPERTY DESCRIPTION

(8645 Ninth Street, San Joaquin, California)

Lots 23 and 24 in Block 10, of the Townsite of San Joaquin
(now city) of San Joaquin, according to the map thereof
recorded in Book 7, Pages 83, 84 and 85 of Plats, Fresno
County Records.

APN: 033-091-25

Exhibit C

PROPERTY DESCRIPTION

(26898 Greentree Avenue, Madera, California)

Lot 44 of Madera Country Club Estates Subdivision No. 2, according to the map entitled, "Map of Madera Country Club Estates Subdivision No. 2, Tract 96" filed and recorded in the office of the County Recorder of the County of Madera, State of California, July 26, 1961, in Vol. 8 of Maps, at Pages 126 to 131, inclusive.

Excepting therefrom an undivided 1/2 interest in all oil, gas and other hydrocarbon substances in and under said land; as reserved in Deed dated December 12, 1955 from J.M. Avellar and Mary F. Avellar, his wife and Arthur J. Avellar and Marjorie Avellar, his wife, recorded January 6, 1956, in Vol. 657 of Official Records, page 318, Madera County records, but without the right to enter upon the surface of said property and without the right to use any portion of said property lying less than 500 feet below the surface thereof, said rights having been terminated by the Deed from Arthur J. Avellar, et ux, et al, dated November 25, 1957 and recorded April 15, 1958 in Vol. 716 of Official Records, page 340, Madera County Records.

Also excepting therefrom an undivided 1/4 interest in and to all oil, gas and minerals, without however, the right to surface entry as reserved by Rusco Industries, Inc., an Ohio corporation in Deed dated August 7, 1962 and recorded September 25, 1962 in Vol. 841 of Official Records, page 84, Madera County Records.

APN: 036-263-007

Exhibit D

PROPERTY DESCRIPTION

(22002 East Manning Avenue, San Joaquin, California)

LOTS 19 AND 20 IN BLOCK 82 OF THE TOWNSITE (NOW CITY) OF
SAN JOAQUIN, COUNTY OF FRESNO, STATE OF CALIFORNIA,
ACCORDING TO THE MAP THEREOF RECORDED JUNE 19, 1915 IN
BOOK 7 PAGE 83 THROUGH 85 INCLUSIVE OF PLATS, FRESNO
COUNTY RECORDS.

APN: 033-132-15